

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

VICENTE DOMINGUEZ,)	
)	
Plaintiff,)	
)	
v.)	No. 2:19-cv-00473-JPH-DLP
)	
BELL, <i>et al.</i>)	
)	
Defendants.)	

**ORDER DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS
AND DIRECTING OPENING OF A CIVIL ACTION**

Vicente Dominguez, an inmate of the Federal Bureau of Prisons (“BOP”) confined at the Federal Correctional Institution in Terre Haute, Indiana (“FCI Terre Haute”), brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his confinement in administrative segregation. In his petition, he seeks “immediate release from his restrictive confinement.” Dkt. 1. The respondent responded to the petition arguing that Mr. Dominguez failed to exhaust his administrative remedies before he filed his habeas petition, that the relief he seeks is not available under § 2241, and that he is properly placed in administrative detention pending an investigation and prosecution for criminal charges. Dkt. 7. Mr. Dominguez replies asking the Court to recharacterize his habeas petition as a civil rights complaint. Dkt. 8. Through this reply, Mr. Dominguez is understood to have abandoned his habeas claims. This action is therefore **DISMISSED without prejudice.**

Mr. Dominguez’s request to recharacterize his petition is **GRANTED** because the petition adequately names the defendants and the facts upon which his claims are based. The **clerk is directed** to re-docket Mr. Dominguez’s petition, dkt [1], as the Complaint in a new civil action. The Nature of Suit Code is 555 and the Cause of Action is 28:1331b. Vincente Dominguez is the

plaintiff and the other individuals named in the caption are the defendants. The judicial officers shall be assigned by random draw.

Judgment consistent with this Entry shall now Enter.

SO ORDERED.

Date: 1/3/2020

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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